



# Capitol Briefing



## My Committees

Taxation  
Transportation  
Economic Dev & Tourism  
Select Committee on Energy & Environment for the Future

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## Session News

**The seventh week of the session included an important marker: a major deadline known as “Turnaround”** this last Saturday. Turnaround marks the date that most bills must clear their house of origin. All bills not cleared “die,” receiving no action for the remainder of the legislative session. This deadline applies to most committees, called “non exempt” committees. Some committees, designated as “exempt” committees, do not fall under the Turnaround deadline and bills from those committees remain in play (exempt committees include Taxation, Federal and State Affairs, Calendar and Printing and Appropriations).

Despite the Turnaround deadline, opportunities often develop to amend bills into other pieces of legislation. Additionally, in previous years “dead” bills reappeared in conference reports or as provisos in appropriations bills. Nevertheless, this week has been busy as lawmakers pushed hard to move bills to the House floor before the deadline.

Beginning this week, the House of Representatives will begin to consider legislation approved by the Senate, while the Senate will begin to consider bills approved in the House of Representatives.

**After the House officially approved the Holcomb energy bill last week- House Substitute for Senate Bill 327- joint House and Senate conference committee meetings began last week.** This committee, composed of three senators and three representatives, is working to finalize details of the energy bill and will send their work back to each chamber for approval, then on to Governor Sebelius for her signature or veto. Ultimately, both versions of this bill will enable Sunflower Electric Power Corporation to build two controversial coal-fired power plants in Holcomb, Kansas. The \$3.6 billion project has been blocked since October due to environmental concerns. Both chambers also voted to limit the power of the Kansas Department of Health and Environment to set new air-quality rules.

Originally lawmakers hoped to complete this process by the end of last week, however, negotiations continue. Though the bills were similar, there were differences between the House and Senate versions. Among the differences was a Senate proposal to form a new energy commission and a House proposal to develop a Renewable Portfolio Standard, which aims to decrease carbon emission in Kansas by 5 percent by 2012 and 10 percent by 2020.

**The Kansas House of Representatives began discussions regarding school funding last week** while in the Senate a bill passed requiring Kansas public school children to attend kindergarten. Democratic Sen. Laura Kelly lobbied two years for a bill borne of frustration expressed to her by Quincy Elementary School teacher Nancy Armstrong, who worried about children who were enrolled in kindergarten but consistently absent. State law sets the mandatory school attendance age at 7. Under Kelly's bill, adopted 36-3 by the

Senate and sent to the House, the compulsory age for public school attendance would be lowered to 6. The bill would permit Kansas parents to exempt their children from the requirement if the child was privately educated or if the family had religious objections to participation in public school at the younger age.

Kelly said it didn't make sense for the state to spend millions of dollars for school-readiness programs for 3- to 5-year-olds and retain a loophole in state law permitting children to take an educational sabbatical until age 7.

**Meanwhile, the House defeated an amendment last week that would allocate \$75 million over the next five years to implement a state-funded, all-day kindergarten program for public schools.** State school finance law counts each kindergarten student as one-half of a student for state aid per student. Many districts, wanting to assure that their students get the best start possible, offer a full-day kindergarten program, but the state provides money for only a half day of kindergarten. The amendment proposed by Rep. Ed Trimmer, D-Winfield, was defeated 56-64. Funding for all day K would be phased in over five years under the proposal

Opposition came primarily from legislators who thought the price was too high. "If we had an extra \$15 million, we'd all be jumping on it in a heartbeat," said Rep. Deena Horst, R-Salina, a secondary school art teacher. Rep. Virgil Peck, R-Tyro, said the amendment would place an unreasonable strain on the state budget. He said all-day kindergarten would cost the state more than portrayed by advocates of the policy change. The all-day kindergarten initiative was in the budget recommended this session by Gov. Sebelius. The governor's plan was to phase in all day K over three years, funding first at the schools with the largest percentage of at risk students.

Research shows that most full-day kindergarten students demonstrate somewhat higher academic and social achievement than half-day kindergarten students. Full-day kindergarten programs that are appropriate for kindergarten age children have been found to provide cognitive, social, physical, and emotional benefits for children. The majority of teachers and parents of kindergarten children favor full-day programs. Now that half of the nation's kindergartners are in full-day programs, research should be able to show which children benefit the most and how to assure that the benefits last throughout a student's school career.

**The House considered House Bill 2870 last week, which would have provided bonuses for hard-to-fill teacher posts, including math and science positions.** The bill failed to pass after a number of concerns were discussed on the House Floor.

Among several reasons for opposition, it was argued that the bill would remove bonuses from the salary negotiating process. Furthermore, KNEA explained that while teachers deserve significantly more pay than they currently receive, House Bill 2870 simply throws an inadequate amount of money at a much larger and more serious issue. One-time bonuses of \$1,000 offer no plan to untangle the core of the teacher shortage problem, which lies in poor recruitment and retention. Instead, this money should be used for common-sense solutions, like sufficient scholarship programs to attract education majors or increased teacher salaries across the board. Also, concerns exist that offering bonuses for some positions and not others will result in resentment and division among school staff, damaging the collaborative environment necessary to properly educate our children.

Proponents assess that the bill will protect collective bargaining by putting bonuses on the “permissive” bargaining list (Although it is important to note that school districts rarely agree to negotiate items on the permissive list of topics. The Kansas Association of School Boards encourages districts to negotiate only those items on the mandatory list). Also, it was suggested that fears of resentment among educators not receiving bonuses are exaggerated, as teachers understand the need for more math and science educators. Supporters of House Bill 2870 believe the number one focus should be on filling empty classrooms as soon as possible.

As your representative, I am concerned that House Bill 2870 would have served as a misguided “quick fix” that would ultimately make no progress in minimizing Kansas’ teacher shortage. According to Education Week Magazine, Kansas teachers earn only \$0.86 cents for each dollar earned by comparable workers. This bonus would do little to close that gap. A one-time bonus of \$1,000 is unlikely to attract or keep good teachers when significantly higher profits are available in less time-consuming careers. I believe this money should be more wisely invested in better legislation with more helpful, long-term benefits.

**Last week, a bipartisan group of state leaders traveled to Washington, D.C. to meet with members of Congress in an effort to help secure Kansas as the host state of a \$450 million federal research facility,** the National Bio- and Agro-defense Facility (NBAF). Last summer, the Department of Homeland Security selected the Kansas State University campus in Manhattan as one of five finalists for the site.

Kansas offers an ideal location for NBAF, with a central location in the Heartland, a culture deeply rooted in agriculture, a dedicated community and a bold commitment to bioscience research. The bio- and agro-defense facility would be the largest and most advanced bioscience research laboratory in the world. Construction of the site is estimated to create 1,000 new jobs and bring \$3.5 billion dollars in new revenue to the state over 20 years. NBAF would put Kansas at the forefront of several exciting enterprises relating to public and animal health.

Manhattan was selected as one of five finalists from 17 potential sites. Other states vying for the facility include: Texas, North Carolina, Mississippi and Georgia. The Department of Homeland Security expects to make its final decision in October 2008.

For more information on Kansas’ efforts to secure NBAF in Manhattan, visit <http://www.nbafinkansas.org/>.

**The Kansas House approved a bill last week that will authorize \$2 million in subsidies over two years to help provide air passenger service to the city of Manhattan.** Supporters contend that airline service in Riley County will offer a number of benefits. Personnel growth at Fort Riley increases need for more convenient methods of out-of-state travel. Additionally, Kansas lawmakers are currently working to secure the Kansas State University Campus as the site of a \$450 million national bio- and agro- defense research facility. An airport will provide another incentive for the Department of Homeland security to select the Manhattan location.

A joint House and Senate conference committee approved the legislation last Wednesday. The bill will now go to Governor Kathleen Sebelius for her signature or veto.

**A recent audit revealed that Kansas has invested \$1.5 billion in state funds over the past five years on economic development.** Startled by the magnitude of the figure, which may even be much higher, legislators now want the Legislative Division of Post-Audit to quantify what -if anything- the state has reaped from these expenditures. That calculation will have to wait until the completion of the second portion of the audit (due in May).

The audit reviewed literature and studies on the effectiveness of economic development initiatives, concluding most studies fail to significantly advance economic development. Overall, negative and inconclusive findings appeared far more than positive findings, according to the audit.

The Department of Commerce spoke out against the audit's findings, questioning methodology and final conclusions. It is important to remember the successful business ventures that would not have moved forward without tax development assistance, including the Kansas Speedway-Village West project.

Economic development is crucial to the prosperity of our state. I believe we must equally balance the needs of business with other important initiatives in Kansas and I appreciate these efforts to hold government investments accountable. However, serious changes or cuts should not be made based on one study. Though this audit made helpful points, more solid data is necessary before taking action or putting significant weight behind its conclusions. The Commerce and Labor Committee will discuss the audit in more detail in coming weeks.

**New Smoking Ban Bill Introduced in Senate:** Last year, the Health Policy Authority made recommendations to the legislature to improve the health of Kansans and lay a framework for future reforms. As part of those recommendations, KHPA endorsed a statewide smoking ban. After the Senate Judiciary Committee held hearings regarding a possible statewide smoking ban, Senator Laura Kelly introduced a new smoking ban bill in the Senate Ways and Means committee to implement comprehensive smoking prohibition throughout the state, with no options for county opt-out.

Opponents believe this bill will hurt private business and free market in the state. They also point out that the Occupational Safety and Health Administration has not deemed second-hand smoke too dangerous for the workplace and therefore should not be deemed illegal. Furthermore, opponents argue that by removing the county opt-out provision, local control is infringed. Additionally, certain exemptions are necessary to prevent hurting local businesses. In response, the committee approved amendments to exclude bars, casinos, private clubs, tobacco shops and cigar bars from ban.

Supporters argue that a smoking ban will protect innocent, nonsmoking Kansans from harmful second-hand smoke. Tobacco related diseases cost Kansas nearly \$200 million annually in Medicaid costs. This provides an excellent incentive to help limit individuals' exposure to second-hand smoke. Supporters also believe that public health, in this instance, outweighs local control concerns. They argue that the state should only enact legislation if it includes a comprehensive, uniform standard.

**Attorney General Stephen Six this week requested \$430,000 in the state budget to expand the highly successful Cyber Crime Initiative.** This program was originally enacted in the Attorney General's office in 2007. Six told lawmakers this program has been enormously helpful in fighting Internet crime, which is an increasing problem in Kansas and across the country.

The additional funds requested by the Attorney General's office would provide four new employees to manage the program. The current Cyber Crime Unit includes one investigator and one prosecutor. Additional employees would work to educate the public about Internet threats, further investigate Internet crimes in Kansas and prosecute more criminal cases. According to the Attorney General, the most effective approach to decrease Internet-based crime includes both education and prosecution.

**A \$2.5 million grant awarded this week by The Administration for Children and Families awarded a \$2.5 million grant to help provide new services to families and youth affected by methamphetamine or other substance abuse.**

The grant will provide services to families with children placed in foster care or who are at risk of out-of-home placement. These families will receive targeted training on parenting, children's living skills and family skills.

The National Institute of Drug Abuse and the Substance Abuse and Mental Health Services Administration will provide skills training. Kansas will be the first state in the nation to implement the Strengthening Families Program statewide, with services available beginning March 2008.

Additionally, the grant will target teenagers over age 15 who currently or previously received foster care and also receive independent living skills. Beginning in 2009, a web-based program will integrate substance abuse prevention with existing skills training.

**Kansas soldier killed in Iraq:** Last week Gov. Sebelius ordered that flags in the state fly at half-staff in honor of Staff Sgt. Bryant W. Mackey, 30, of Eureka, who was killed Feb. 20 in Iraq. Mackey died in Mosul of wounds suffered when a rocket-propelled grenade struck his vehicle. He was assigned to the 3<sup>rd</sup> Squadron, 3rd Armored Cavalry Regiment out of Fort Hood, Texas.

**Members of the military were honored with an Armed Forces Appreciation Day at the State Capitol on Thursday, February 28<sup>th</sup>.** Personnel from the Kansas National Guard and several active duty units participated in the event, which began with an invocation by Chaplain (Captain) John Potter, chaplain for the Kansas Joint Forces Headquarters. The 35<sup>th</sup> Brass, a brass quintet from the 35<sup>th</sup> Infantry Division Band also performed in the rotunda of the State Capitol.

**I offered an amendment Thursday afternoon on HB 2923, which would provide improved legal protections for Kansas servicemembers by incorporating the Federal Servicemembers Civil Relief Act (SCRA), formerly the Soldiers & Sailors Relief Act, into Kansas law.** SCRA provides active duty military members with some protection from foreclosure and debt lawsuits while the military member is away from home on duty so that they can concentrate on defending their country and not financial worries. The federal law covers all active duty and activated reservists and National Guard members. The proposed amendment was particularly timely, given the credit crunch and foreclosure crisis that is now afflicting much of our nation. It would give more protection than the federal law by extending the protection of the stay of collection actions from 90 to 180 days and providing protections to servicemember dependents.

Imagine the financial stress of being in the shoes of an active duty national guard member whose spouse loses a job or whose child becomes seriously ill while they are supposed to be concentrating on defending their country. Other states have done this and the amendment was crafted with the advice and full support of the Kansas Adjutant General's legal staff. The amendment failed, probably because most legislators do not understand the protection and how important it is for our fighting men and women and their families.

**The University of Kansas School of Pharmacy visited the Capitol this week, providing a number of helpful resources for coping with chronic illnesses.** As lawmakers begin the task of reforming Kansas' health care system, other programs such as these exist to provide resources that may ease the burden of health care costs created by costly chronic conditions.

- Diabetes <http://www.diabetes.org/> Phone: 800.342.2383
- Asthma <http://www.aafa.org> Phone: 800.727.8462
- Osteoporosis <http://www.nof.org> Phone: 800.231.4222
- Arthritis <http://www.arthritis.org> Phone: 800.283.7800
- High Cholesterol <http://www.americanheart.org> Phone: 800.242.8721

## State House Pages Visit



On February 26<sup>th</sup>, four students from Oak Park-Carpenter School served as State House Pages. They received a number of complements from my colleagues and did an excellent job. Pictured from left to right above are Luisa Zavala, Gabrielle Ways, Isaac Brethour and Thomas Peterson. Thanks to parents Joyce Peterson, Tony Ways, Juan Zavala and Fanny Gonzalez for accompanying them and providing transportation.

## On The Home Front



Juanita had a bit of a setback in February when scans confirmed that she had a small lesion on her liver. Last Friday, February 29<sup>th</sup>, doctors at KU Med treated the lesion with “radio frequency ablation.” This method involves the use of a general anesthetic and a tiny probe about the size of a ball-point pen tip which is inserted into the body and into the tumor. Then radio frequency energy is used to heat up and destroy the tumor. The procedure went well and Juanita will be checked again in a month to see if any re-treatment is needed.

Meanwhile, granddaughter Dakotah started preschool two days a week and is progressing toward a third birthday in May.

**IN COMMITTEES NEXT WEEK:**

Please feel free to let me know if you would like any further information on these bills, or would like to testify before a committee on an issue important to you. Individuals wishing to testify are required to notify the committee assistant at least 24 hours in advance of the meeting. Thirty-five copies of written testimony must be provided to the committee assistant by 4:30 PM on the previous day. Please note that that committee schedules are subject change at any time, so please confirm any hearing you wish to attend in advance by calling me at 785.296.7698, or checking the House Calendar at [www.kslegislature.gov](http://www.kslegislature.gov).

Upcoming hearings of high interest:

**House Education:** Hearings on Hearing on **SB 421** - School districts; concurrent enrollment; pupils in grade 10; Hearing on **SB 404** - Kansas academy of mathematics and science; admission of nonresidents; fees and tuition; attendance and qualified admissions, exceptions

**House Select Committee on Energy and Environment for the Future:** Hearings on **HB-2949** - Kansas Energy Plan Act

**House Health and Human Services:** Work on health reform related bills by sub-committee- Proponents and Opponents of KHPA recommendations

Committee Meeting Details:

**House Agriculture and Natural Resources:**

Time/Location: 3:30 p.m. Docking Room 783

- No hearings on proposed legislation scheduled at this time.

**Appropriations**

Time/Location: 9:00 a.m. Capitol Room 514-S

Wednesday, March 5

- Hearing on **SB 381** - Livestock commissioner accepting donated funds to protect the health of domestic animals, creating the animal health protection fund

**House Commerce & Labor**

Time/Location: 9:15 a.m. Docking Room 784

- No hearings on proposed legislation scheduled at this time.

**House Economic Development and Tourism:**

Time/Location: 3:30 p.m. Capitol 519-S

Wednesday, March 5

- Informational meeting by Jeff Turner, CEO, Spirit Aerosystems

Thursday, March 6

- Update from Steve Radley of Network Kansas

**House Education:**

Time/Location: 9:05 a.m. Capitol Room 313-S

Thursday, March 6

- **Hearing on SB 421** - School districts; concurrent enrollment; pupils in grade 10
- **Hearing on SB 404** - Kansas academy of mathematics and science; admission of nonresidents; fees and tuition; attendance and qualified admissions, exceptions
- **Hearing on SB 507** - METS education innovation council; members; duties

Friday, March 7

- **Hearing on HB 2714** - Interstate compact on educational opportunity for military children
- **Hearing on SB 437** - ROTC service scholarships; community colleges

**House Elections and Governmental Organization:**

Time/Location: 3:30 p.m. Docking Room 784

- No hearings on proposed legislation scheduled at this time.

**House Energy and Utilities:**

Time/Location: 9:15 a.m. Docking Room 783

- No hearings on proposed legislation scheduled at this time.

**House Federal & State Affairs:**

Time/Location: 1:30 p.m. Capitol Room 313-S

Wednesday, March 5

- Hearing on **HB 2742** - Sale of automatic weapons, silencers to law enforcement

Thursday, March 6

- Hearing on **HB 2801** - Kansas state high school activities association; state championship football games

**House Government Efficiency and Technology:**

Time/Location: 3:30 p.m. Capitol Room 526-S

- No hearings on proposed legislation scheduled at this time.

**House Health and Human Services:**

Time/Location: 1:30 p.m. Capitol Room 526-S

Wednesday, March 5

- Work on health reform related bills by sub-committee- Proponents and Opponents of KHPA recommendations

Thursday, March 6

- Work on health reform related bills by sub-committee- Proponents and Opponents of KHPA recommendations

**House Insurance and Financial Institutions:**

Time/Location: 3:30 p.m. Capitol Room 527-S

Wednesday, March 5

- Hearing on **Sub SB 209** - Insurance; rate and form filings; error notification procedure
- Hearing on **SB 441** - Health insurance; HIPAA date change

Thursday, March 6

- Hearing on **SB 465** - Casualty insurance filings for rates and forms
- Hearing on **SB 472** - Pooled Money Investment Board; investment in certain corporate bonds

**House Judiciary:**

Time/Location: 3:30 p.m. Capitol Room 313-S

Wednesday, March 5

- Hearing on **SB 412** - Health care; medical assistance repayment; discretionary trusts
- Hearing on **SB 431** - Probate, small estates, increasing allowances for spouses and minor children
- Hearing on **SB 432** -Uniform transfer on death security registration act
- Hearing on **SB 435** - Amendment to revised Kansas juvenile justice code and revised Kansas code for care of children

Thursday, March 6

- Hearing on **SB 433** - Uniform prudent management of institutional funds act
- Hearing on **SB 434** - Code of civil procedure, electronically stored information

**House Taxation:**

Time/Location: 9:00 a.m. Capitol Room 519-S

Wednesday, March 5

- Hearing on **HB 2288** - Refund of retailers’ sales tax paid on certain purchases of telecommunications machinery and equipment

Thursday, March 6

- Hearing on **HB 2938** - Sales tax exemption for certain 501 (c) (3) nonprofit organizations

Friday, March 7

- Hearing on **HB 2762** - Corporate income taxation changes relating to apportionment of net income, business income and surtax on corporations

**House Transportation:**

Time/Location: 1:30 p.m. Capitol Room 519-S

- No hearings on proposed legislation scheduled at this time.

**House Veterans, Military, and Homeland Security:**

Time/Location: 1:30 p.m. Docking Room 784

- No hearings on proposed legislation scheduled at this time.

**USEFUL STATE NUMBERS AND RESOURCES:**

The following list of numbers will lead you to a variety of state and federal resources. You can find these- as well as many others- online at <http://da.state.ks.us/phonebook>.

**Adjutant General:**

785.274.1001

**Department on Aging:**

800.432.3535

**Attorney General:**

785.296.2215

**Better Business Bureau:**

785.232.0454

**Child/Adult Abuse Hotline:**

800.922.5330

**Child and Family Services:**

785.296.4653

**Commerce & Housing:**

785.296.3481

**Consumer Protection:**

800.432.2310

**Crime Tip Hotline:**

800.572.7463

<b>Crime Victim Assistance:</b> 800.828.9745	<b>Driver's License Bureau:</b> 785.296.3963	<b>Gov. Kathleen Sebelius:</b> 800.748.4408
<b>Kansas Health Wave:</b> 800.792.4884	<b>Highway Road Conditions:</b> 800.585.7623	<b>Housing Hotline:</b> 800.752.4422
<b>Insurance Hotline:</b> 800.432.2484	<b>Kansas Lottery:</b> 785.296.5700	<b>Legislative Hotline:</b> 800.432.3924
<b>Mental Health Services:</b> 888.582.3759	<b>Department of Revenue:</b> 877.526.7738	<b>School Safety Hotline:</b> 877.626.8203
<b>Social Security:</b> 800.772.1213	<b>State Capitol Tours:</b> 785.296.3966	<b>Taxpayer Assistance:</b> 800.259.2829
<b>Tax Refund Status:</b> 800.894.0318	<b>Teacher Certification:</b> 785.296.2283	<b>Unclaimed Property:</b> 800.432.0386
<b>Unemployment:</b> 785.296.5074	<b>Vital Statistics:</b> 785.296.1405	<b>Voter Registration:</b> 785.296.4561
<b>Welfare Fraud Hotline:</b> 800.432.3913	<b>Workers' Comp:</b> 800.332.0353	<b>Workforce Center:</b> 785.235.5627

## Keep In Touch

Please feel free to contact me with your additional comments and questions. My office address is Room 49, Docking State Office Building, Topeka, KS 66612. You can reach me at (785) 296-7698 or call the legislative hotline at 1-800-432-3924 to leave a message for me. Additionally, you can e-mail me at [rardin@house.state.ks.us](mailto:rardin@house.state.ks.us). You can also follow the legislative session online at [www.kslegislature.org](http://www.kslegislature.org).

**For back issues of my 2008 Renews, call my office, 785-2967698**